HOUSE BILL 15-1019

HOUSE SPONSORSHIP

Lundeen,

SENATE SPONSORSHIP

Woods,

House Committees

Judiciary

Appropriations

Senate Committees

Judiciary

A BILL FOR AN ACT

CONCERNING PROSTITUTION BY A MINOR, AND, IN CONNECTION
THEREWITH, MINORS WHO ARE VICTIMS OF HUMAN
TRAFFICKING.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill establishes immunity for a minor who is charged with prostitution. Law enforcement is required to take a minor suspected of prostitution into temporary protective custody as an abused child, transport the minor to the appropriate county department of human or social services (county department), and report the minor as abused. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
county department shall immediately conduct a health, risk, and safety assessment on the minor to determine appropriate services and placement for the minor.

The bill creates an affirmative defense to prostitution by a minor if the minor is a victim of human trafficking for the purpose of the offense.

The bill clarifies that a claimant whose claim is based on the fact that he or she was a victim of human trafficking may be awarded compensation pursuant to the "Colorado Crime Victim Compensation Act".

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Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-3-505, amend (4) (a); and add (4) (a.5) as follows:

18-3-505. Human trafficking council - created - duties - repeal.

(4) The council shall hold its first meeting on or before November 1, 2014, at a time and place to be designated by the executive director of the department of public safety, or by his or her designee. The council shall meet at least four times each year and shall carry out the following duties:

(a) On or before January 1, 2016, make recommendations to the judiciary committees of the house of representatives and senate, or any successor committees, concerning:

(I) Whether the general assembly should establish standards and a process for the certification of organizations that provide services to victims of human trafficking; and

(II) Whether the general assembly should establish a grant program to which organizations that provide services to victims of human trafficking, may apply for grant, including consideration of how such a grant program may be funded; AND

(III) WHETHER THE GENERAL ASSEMBLY SHOULD ENACT LEGISLATION CONCERNING:
(A) The prosecution of or granting of immunity to a child victim of commercial sexual exploitation for offenses related to that exploitation;

(B) The creation of other legal protections, including statutory defenses for child victims of commercial sexual exploitation for offenses related to that exploitation and the creation of any necessary changes to Title 19, C.R.S., to implement those legal protections or defenses; or

(C) Standards, guidelines, or mandates regarding the appropriate assessment, placement, and treatment of child victims of commercial sexual exploitation through Title 19, C.R.S., including but not limited to the use of locked placement.

(a.5) The recommendations submitted pursuant to paragraph (a) of this subsection (4) must include a full explanation of each recommendation with a discussion of the benefits of each recommendation, any problems that might be encountered, and how those problems, if any, might be mitigated.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.